

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT EUGENE ROJAS,

Plaintiff,

v.

COUNTY OF SACRAMENTO, et al.,

Defendants.

No. 2:21-cv-2280 KJM DB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a county inmate proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff claims defendants have violated his rights in connection with his criminal action in state court as well as the conditions of his confinement.

By order dated April 12, 2022, the court screened and dismissed the amended complaint. (ECF No. 10.) Plaintiff was granted thirty days leave to file an amended complaint and advised that failure to file an amended complaint would result in a recommendation that this action be dismissed. (*Id.* at 8.) Plaintiff failed to file an amended complaint and the undersigned recommended that this action be dismissed for failure to prosecute and failure to comply with court orders. (ECF No. 12.) Thereafter, plaintiff filed objections to the findings and recommendations. (ECF Nos. 13, 14.) Because it appeared from plaintiff's objections that he did not intend to abandon this action, the undersigned vacated the findings and recommendations. (ECF No. 16.)

1 Plaintiff was instructed to file an amended complaint within thirty days and warned that
2 failure to comply would result in a recommendation that this action be dismissed. (Id.) Those
3 thirty days have passed, and plaintiff has not filed an amended complaint, sought additional time
4 to file an amended complaint, or otherwise responded to the court's order. Accordingly, the
5 undersigned will recommend that this action be dismissed for failure to prosecute and failure to
6 comply with court orders.

7 For the foregoing reasons, IT IS HEREBY RECOMMENDED that this action be
8 dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

9 These findings and recommendations are submitted to the United States District Judge
10 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days
11 after being served with these findings and recommendations, plaintiff may file written objections
12 with the court and serve a copy on all parties. Such a document should be captioned "Objections
13 to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file
14 objections within the specified time may waive the right to appeal the District Court's order.
15 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

16 Dated: April 4, 2023

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19 DEBORAH BARNES
20 UNITED STATES MAGISTRATE JUDGE
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